

### REMARKS

The Office Action dated November 19, 2003, has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto.

Claims 1, 6, 7, 10, 17 and 21 have been amended to more particularly point out and distinctly claim the subject matter of the invention. Claim 3 has been canceled without prejudice, and the subject matter thereof included in amended claim 1. No new matter has been added, and no new issues are raised that require further consideration and/or search. Thus, claims 1, 2 and 4-21 are pending in the present application and are respectfully submitted for consideration.

Claims 1-12, 14-23 and 25-28 were rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Patent No. 6,385,449 (*Eriksson et al.*) Applicant respectfully disagrees with the rejection. To anticipate, the cited reference must disclose each and every element of the claimed invention. Applicant submits that *Eriksson* does not anticipate the pending claims.

Claim 1, and claims 2 and 4-12 and 14-16 that depend therefrom, recite a method for performing cell load control in a mobile radio network using diversity connections between base stations. The method comprises transmitting a load information of a radio cell from a first radio network controller serving the radio cell to a second radio network controller not serving the radio cell. The load information is transmitted in response to a load request issued by the second radio network controller. The method also includes

using the load information in the second radio network controller for deciding on a load status of the radio cell.

Claim 17, and claims 18-23 and 25-28 which depend therefrom, recite a system for performing cell load control in a mobile radio network using diversity connections between base stations. The system comprises a first radio network controller comprising transmitting means arranged for transmitting a load information of a radio cell served by the first radio network controller to a second radio network controller not serving the radio cell. The load information is transmitted in response to a load request issued by the second radio controller. The second radio network controller comprises a receiving means arranged for receiving the load information, and a decision means arranged for deciding on a load status of the radio cell.

As discussed in the present specification, the load information is transmitted in response to a load request issued by the second radio network controller. Thus, the second radio network controller may actively request load information of the radio cell from the first radio network controller serving the radio cell even though the second radio network controller is not yet serving the radio cell. The second radio network controller may use this actively inquired load information for deciding on the load status of the radio cell. It is respectfully submitted that the prior art of *Eriksson* fails to disclose the elements of any of the presently pending claims. Therefore, the prior art fails to provide the critical and unobvious advantages discussed above.

*Eriksson* relates to a system and method used in a mobile telecommunications network for load balancing ongoing calls between different base station controllers. *Eriksson* describes receiving a first load indication message from the first base station controller in order to determine whether to hand over at least one ongoing call from the one cell of the second base station controller to the one cell of the first base station controller. *Eriksson* also describes having a base station controller generating a load indication message whenever the number of available traffic channels within a cell changes so as to exceed or fall below a predetermined threshold. As noted by the Office Action, the load information is transmitted when a load level of the radio cell has reached a predetermined load threshold. *Eriksson* also describes sending load information on a periodic basis. *Eriksson*, however, does not disclose the second radio network controller actively inquiring on the load information by issuing a load request.

In contrast, claim 1 recites “transmitting a load information of a radio cell from a first radio network controller serving said radio cell to a second radio network controller not serving said radio cell, wherein said load information is transmitted in response to a load request issued by said second radio network controller.” Further, claim 17 recites “a first radio network controller comprising transmitting means arranged for transmitting the load information of a radio cell served by said first radio network controller to a second radio network controller not serving said radio cell, wherein said load information is transmitted in response to a load request issued by said second radio controller.”

Applicant submits that *Eriksson* does not disclose at least these features of the pending claims.

*Eriksson* does not disclose transmitting load information in response to a load request issued by the second radio network controller. The feature of the second radio network controller inquiring actively on the load status may allow for more sophisticated load balancing. For example, when the mobile station maintains a plurality of simultaneous connections with a plurality of base stations (called an active set), the plurality of connections may be managed by adding or removing cells to/from the active set of the mobile station. Cells in the active set may be selected based on the load of the cells actively inquired by radio network controllers, and also according to, for example, the best transmission quality. Any cells within the reach of the mobile station might be candidates for the active set, and therefore, the possibility of requesting load information from neighboring controllers results in a better utilization and knowledge of resources.

*Eriksson* does not disclose these features as it waits until a predetermined threshold or a periodic basis to transmit load information. Thus, a plurality of connections may not be managed in *Eriksson* because *Eriksson* does not disclose the load of the cells being actively inquired upon by radio network controllers. Further, the claimed invention may overcome the necessity of storing a pre-configured threshold value via operation and support means. Load information may be received from a radio network controller, i.e., a drift radio network controller, in response to a request whenever it is needed. Instead, *Eriksson* describes sending the load information when a

threshold is reached, on a periodic basis. *Eriksson* describes a handover technique with transfer of an ongoing call. The present invention is not concerned with transferring ongoing calls, but that a load information is requested allowing the decision to take into account the actual load level of the candidate cell.

Thus, for at least these reasons, *Eriksson* does not anticipate any of the presently-pending claims. Applicant respectfully requests that the Examiner withdraw the anticipation rejection.

Claims 13 and 24 were rejected under 35 U.S.C. §103(a) as allegedly rendered obvious by *Eriksson* in view of U.S. Patent No. 6,339,705 (*Pehrson*). The Office Action alleged that *Eriksson* discloses all the features of claims 13 and 24, "except for mobile radio network is a radio access network of the UMTS." The Office Action then alleged that *Pehrson* provides these features missing from *Eriksson*. Specifically, the Office Action alleged "it would have been obvious to one having ordinary skill in the art at the time the invention was made to use *Pehrson's* the radio access network of the UMTS in *Eriksson's* invention in order to improve quality of service in third-generation digital cellular radio systems." Applicant respectfully disagrees.

Claims 13 and 24 depend from claims 1 and 17, respectively. A summary of claims 1 and 17 is provided above. Further, the features of claims 1 and 17 are not disclosed or suggested by *Eriksson* also as discussed above. Applicant also submits that the arguments presented above are applicable with regard to claims 13 and 24.

*Pehrson* relates to management of multiple types of radio base stations in a telecommunications system. *Pehrson* describes implementing management functions on both sides of a base station management interface so that a plurality of different types of base stations are managed by the same base station manager. *Pehrson* further describes the management service functions being allocated to the specific base stations involved. Each type of base station in a network can maintain all the software needed to perform the base station management services. A base station manager can be considered as a generic base station manager, and any base station can be connected to the generic base station manager via a management interface. *Pehrson*, however, does not disclose or suggest transmitting load information in response to a load request issued by a second radio network controller.

In contrast, claim 1 recites “said load information is transmitted in response to a load request issued by said second radio controller.” Claim 17 recites “said load information is transmitted in response to a load request issued by said radio controller.” Applicant submits that *Pehrson* does not disclose or suggest this feature. *Pehrson* does not disclose or suggest allowing a second radio network controller to actively inquire on the load information by issuing a load request. Thus, Applicant submits that *Pehrson* does not disclose or suggest those features of claims 1 and 17 missing from *Eriksson*.

Applicant notes that claims 13 and 24 depend from independent claims 1 and 17. If an independent claim is not obvious, then any claim depending therefrom is not obvious. M.P.E.P. 2143.03. Thus, for at least these reasons, claims 13 and 24 are not

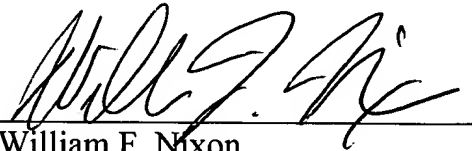
rendered obvious by the cited references. Applicant respectfully requests that the Examiner withdraw the obviousness rejection.

Applicant submits that claims 1 and 17, and all claims depending therefrom, recite subject matter not disclosed or suggested by the cited references. It is therefore respectfully requested that claims 1-2 and 4-28 be allowed, and this application passed to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "William F. Nixon", written over a horizontal line.

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Enclosures: Petition for Extension of Time